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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Initial reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

NEW ZEALAND

(TOKELAU)

[7 August 1992]

INTRODUCTION

1. New Zealand ratified the International Covenant on Economic, Social and Cultural Rights on 28 December 1978 and it entered into force for New Zealand on 28 March 1979. New Zealand's ratification also applied to the Cook Islands, Niue and Tokelau. The present report under Article 16 of the Covenant covers its implementation with regard to Tokelau, up to mid-1992. It should be read in conjunction with the separate report submitted on implementation of the Covenant in New Zealand, and with the first and second reports on implementation of the International Covenant on Civil and Political Rights with regard to Tokelau, contained in documents CCPR/C/10/Add.11 and CCPR/C/37/Add.12.

2. The present report has been prepared in accordance with the guidance provided in the Manual on Human Rights Reporting (HR/PUB/91/1).

GE.92-17463/4915B (E)

COUNTRY PROFILE

Land and People

3. Tokelau consists of three small atolls in the South Pacific - Atafu, Nukunonu, and Fakaofo - with a combined land area of approximately 12 square kilometres and a population of nearly 1,600. The central atoll, Nukunonu, is 92 kilometres from Atafu and 64 kilometres from Fakaofo. Western Samoa, the nearest sizeable neighbour, is 480 kilometres to the south. Each atoll consists of a number of reef-bound islets encircling a lagoon. These islets, or motu, vary in length from 90 metres to 6 kilometres, and in width from a few metres to 200 metres. The highest point above sea level on any part of Tokelau is 5 metres.

4. Although Tokelau lies in a border zone between Micronesia and Polynesia, its people are Polynesian. Tokelau retains linguistic, family, church and cultural links with Western Samoa; and also shares important cultural traits with its other nearest neighbour, Tuvalu. "Faka-Tokelau" (the Tokelau way of life) reflects, however, a distinctive and complex social and economic order based on the values of community and sharing. These traditional values remain strong in present-day Tokelau, despite the important changes that external influences have brought about in more recent times.

5. Tokelauan is normally spoken on the atolls, but most Tokelauans also speak English, which is taught as a second language.

6. The population of Tokelau as recorded in the most recent five-yearly census (1991) is spread between the three atolls as follows:

	Male	Female	Total
Atafu	265	278	543
Nukunonu	220	217	437
Fakaofo	289	308	597
Totals	774	803	1 577

Approximately 3,000 Tokelauans also live in New Zealand (to which they have free right of access as New Zealand citizens), as well as a number in Western Samoa, American Samoa and Hawaii.

7. Two Christian religious denominations prevail. On Atafu almost all the inhabitants belong to the Congregational Christian Church of Samoa; on Nukunonu all are Roman Catholics; and on Fakaofo both denominations are represented, with adherents of the Congregational Christian Church forming the majority. Other Christian denominations include Seventh Day Adventists and Jehovah's Witnesses.

General Political Structure

8. Tokelau is, according to the Tokelau Act 1948, "part of New Zealand". (As such it cannot be correctly described as a Territory of New Zealand, even though it has a largely separate legal, judicial and political system and

remains on the list of territories to which the General Assembly's Declaration on Colonialism continues to apply.) The same Act gives the Governor General of New Zealand the power, by Order in Council, to "make all such regulations as he thinks necessary for the peace, order and good government of Tokelau". One such set of regulations is the Tokelau Administration Regulations 1980, which establish the administrative authority for Tokelau. This gives the New Zealand Minister of Foreign Affairs the power to "appoint such person as he thinks fit to be the Administrator of Tokelau" and charge the person so appointed with "the administration of the executive Government of Tokelau". The current Administrator is Mr. Brian Absolum, who took up his duties on 1 February 1992.

9. In practice, however, although he retains legal authority and responsibility for the administration of Tokelau, the Administrator also delegates all of his powers to Tokelauans and Tokelau institutions. The foremost political institution in Tokelau is the General Fono, which brings together at least once a year representatives of the three atolls to decide policy on Tokelau-wide matters and to endorse the annual budget. There is also the Tokelau Public Service, which is led by an Official Secretary and comprises departments of Administration, Health, Education, Agriculture and Fisheries, Public Works and Finance. For administrative reasons the headquarters of the Public Service, the Office for Tokelau Affairs, is currently based in Apia, Western Samoa but there are plans for it to be relocated in Tokelau.

10. The three atolls enjoy a large measure of administrative and political autonomy. Their principal organ of government is the Taupulega or village council. This has the power in terms of the Village Incorporation Regulations 1987 to manage the village and to exercise all the powers of the village. Two positions, those of the Faipule and the Pulenuku, are elected by universal adult suffrage at three-yearly intervals. The Faipule represent the villages in their dealings with the Administrator and the Public Service, chair meetings of the Taupulega, jointly chair sessions of the General Fono and represent Tokelau in international meetings. The Pulenuku is the principal administrative officer of the village and discharges such responsibilities as the scheduling of work, the distribution of water supplies and the inspection of plantations.

General Legal Framework

11. Detailed information on the sources of law in Tokelau is contained in the two reports on implementation of the International Covenant on Civil and Political Rights. Essentially, however, the existing hierarchy of law in Tokelau is:

1. Acts of the New Zealand Parliament expressly extended to Tokelau;

2. Regulations made by the Governor General of New Zealand according to Section 4 of the Tokelau Act 1948 or otherwise made in respect of Tokelau and regulations expressly extended to Tokelau;

3. Rules of the villages;

4. English law as at 14 January 1840, subject to certain conditions.

The essential point is that all laws or rules affecting Tokelau are now made either by the Tokelauans themselves or at their request and with their consent.

Economic, Social and Cultural Characteristics

12. Tokelau's economy is basically at subsistence level. Its development prospects are restricted by its small land area and population, and its geographic isolation. Furthermore, Tokelau has three times in the past five years (in 1987, 1990 and 1991) suffered severe damage from cyclones and high seas. In some quarters, concern has even been raised about a possible threat to Tokelau's long-term survival from climate change. Possibilities for revenue generation are limited to the sale of copra, stamps, coins and handicrafts. Remittances from Tokelauans living overseas are another important source. Most of the funds to pay for Tokelau's imports of goods and services, however, come from the assistance provided by New Zealand in its capacity as Administering Power. Other aspects of Tokelau's economic life are discussed in relation to Articles 7 and 11.

13. Tokelau's budget for 1990/91 amounted to $NZ 5,496,471 ($NZ 4,982,343 in 1989/90) of which $NZ 4.338 million was sourced from New Zealand as budgetary support ($NZ 4.1 million 1989/90). $NZ 1,158,471 ($NZ 882,343 in 1989/90) was raised in local revenue in Tokelau from shipping and freight charges, sales of postage stamps, handicrafts and coins, customs duties and radio and telegram excises. Special funding was provided by New Zealand and other donors for reconstruction following the cyclone of February 1990.

Information and Publicity

14. Work on the translation of the International Covenant on Economic, Social and Cultural Rights into the Tokelauan language has now been completed as part of a larger project for the translation of the complete International Bill of Human Rights, and the International Convention for the Elimination of All Forms of Discrimination against Women. The document has been published by the Tokelau Administration, and widely distributed through the village councils and the Office for Tokelau Affairs.

ARTICLE 1

15. Tokelau remains on the United Nations list of non self-governing territories and has yet to exercise an act of self-determination. Moreover until very recently the people of Tokelau have repeatedly and firmly expressed their wish to maintain the existing relationship with New Zealand. At the same time they have achieved, in practice, a large measure of self-government and are now actively exploring ways, with New Zealand's encouragement and support, of building upon that. In this regard at its session held at Nukunonu in May 1992 the General Fono decided to set up a Working Committee to consider the implementation of proposals to better define and strengthen the

role of the General Fono and the Faipule as the Parliament and political leadership of the country respectively. A preliminary meeting of the Working Committee has already been held and another is scheduled for the end of June.

16. New Zealand's recognition of the right of the people of Tokelau to self-determination is well documented and it continues to report to and cooperate fully with the Committee of Twenty-Four. Visiting missions travelled to Tokelau in 1976, 1981 and 1986. The report of the 1986 mission is contained in documents A/AC.109/877 and Add.1.

ARTICLE 2

17. New Zealand has made comprehensive efforts to ensure that the rights recognized in the Covenant are realized by the people of Tokelau. Those rights are not recognized or protected by any one legislative instrument but are to be found throughout the numerous sources of Tokelau law. Over 85 per cent of Tokelau's income is donated by New Zealand. In the 1990/91 financial year New Zealand gave Tokelau $7 million, comprising $4.4 million in budgetary assistance, $1.1 million in project aid and $1.5 million in disaster relief assistance.

18. Given that only a handful of the people living in Tokelau are non-Tokelauan, it has not been considered necessary to adopt specific legislation to prohibit discriminatory practices. Equally there is no element of discrimination in the policies of the New Zealand Government towards Tokelau. Specifically, the Administrator is bound by the provisions of the New Zealand Race Relations Act 1971 and the Human Rights Commission Act 1977 in all his dealings with Tokelau.

ARTICLE 3

19. There is nothing in the laws of Tokelau sanctioning any kind of discrimination against women (or men). In accordance with tradition, however, only men can become members of the Taupulega. In the past this meant that delegates to the General Fono were also male, although there was no legislative requirement to this effect. As the General Fono has assumed a progressively more substantial political role in recent years, however, there has been a corresponding awareness that the General Fono ought to reflect a complete cross section of the community and women have been increasingly selected as delegates. The precedent of female representation has, therefore, been firmly established even if there is still a long way to go. Moreover women are making headway in other areas. The first female school principal was appointed in 1987 and the first female director of a government department (the Department of Education) in 1989.

ARTICLE 4

20. Neither the New Zealand Government nor Tokelau have taken any measures to limit the enjoyment of the rights recognized by the Covenant.

ARTICLE 5

21. The obligations contained in the Covenant have been accepted on behalf of Tokelau and there is no intention of deviating from those obligations. The Government of New Zealand has not taken any measures aimed at the destruction of any of the rights and freedoms recognized in the Covenant or their limitation to a greater extent than is provided for in the Covenant and does not recognize the right of any group or person to take such measures. Tokelau has not restricted or derogated from any of the rights and freedoms recognized in the Covenant on the pretext that the Covenant does not recognize such rights or that it recognizes them to a lesser extent.

ARTICLE 6

22. The traditional life of Tokelau is still largely organized by Tokelauans in the traditional way. Everyone belongs to and is obliged to contribute to the well-being of an extended family (kaiga), a side (faitu) and a village (nuku). Concepts such as employer, employee and employment and unemployment have little application. Communal effort and a sharing of the rewards of that effort are the order of the day. Work as such consists mainly of gathering food from the lagoon, ocean or plantation, of maintaining and improving the village and of producing handicrafts. Much of it is done by the aumaga, the able-bodied men of the village at the direction of the village council. Traditionally such work was done for no payment but in recent times the council has started to pay the aumaga, on a contract basis, for carrying out essential tasks such as the unloading of supplies when shipments arrive from Western Samoa.

23. Virtually the only employer as such in Tokelau is the Tokelau Public Service which was formally established under the Tokelau Amendment Act 1967. At the moment the Service is headed by an Official Secretary and there are Departments of Finance, Public Works, Health, Agriculture and Fisheries, Public Works and Administration. As at May 1991, there were 158 employees of the Tokelau Public Service in established positions, as well as 30 temporary employees and 172 casual staff. Although preference is given to Tokelauans over non-Tokelauans, appointments to the Public Service are otherwise made on merit, bearing in mind work experience, educational and other qualifications and personal qualities.

A table showing the pattern of employment in Tokelau in 1991 is included as Table A.

24. Trainees and employees of the Tokelau Public Service periodically attend courses offered at institutions in other South Pacific countries, such as radio technicians' and meteorological training courses. In addition to training assignments arranged by the TPS itself, a number of regional and international organizations assist Tokelau in the development of its human resources. In 1988, for example, training awards were made to TPS members by UNDP, the University of the South Pacific (USP), the South Pacific Commission (SPC), the World Health Organization (WHO), and the Commonwealth Fund for Technical Co-operation (CFTC).

ARTICLE 7

25. Under section 9 of the Tokelau Amendment Act 1967, the New Zealand State Services Commission (SSC) makes regulations for the pay, allowances, discipline, control and management of the Tokelau Public Service. More specifically, the Commission also makes regulations concerning the appointment, promotion, transfer, retirement, removal, suspension and dismissal of TPS employees. The Official Secretary, as head of the Tokelau Public Service, exercises delegated authority from the SSC.

26. The Tokelau Public Service Manual is issued by the State Services Commission in terms of its powers under the Act, in both the English and Tokelauan languages. The manual contains a comprehensive set of guidelines that (as stated in the foreword to the manual) "will facilitate efficient and economical administration and ensure equity for all staff". The contents of the manual form part of each employee's contract of employment in the Public Service. The Official Secretary has the responsibility to ensure that all staff are familiar with it and its application to their position in the Service. The manual provides instructions and guidance for public servants in general work conditions, including standards of work and conduct expected of them; gradings and salaries; attendance; entitlements (leave, superannuation, etc).

27. Section 10 of the Act provides that pay and allowances of TPS employees should be paid from the Tokelau Administration Account out of money appropriated by Parliament in New Zealand. Under the provisions of this Act, the Commission in 1990 reviewed public service salaries and approved a general wage adjustment of 6 per cent, with effect from 1 December 1990. The Tokelau Amendment Act 1967 (section 13 (8)) makes provision for TPS employees to be attached to the New Zealand Government Service for training or experience, with salary and allowances determined by the New Zealand controlling authority.

28. Tokelau public servants are encouraged to study for higher qualifications. In addition to the possibilities offered by study leave, they may be eligible for scholarships and training awards which are available to all Tokelauans. The TPS Manual sets out the provisions for granting of study leave, refunds for tuition and examination fees, etc.

29. The TPS Manual sets down the normal hours of work for all public servants as 8.00 a.m. to 4.30 p.m. from Monday to Friday, with a one-hour break for the midday meal. Work over the level of an eight-hour day or a forty-hour week is classified as overtime. No employee can be required to work more than 11 hours in one day, nor to work more than three weeks' continuous overtime without a break from overtime of at least one week. Except in very special circumstances, overtime may not be authorized on Sundays or public holidays. All employees of the TPS are entitled to 12 statutory holidays each year, as set down in the manual. If such a holiday falls on a Saturday or Sunday, it is usually observed on the next normal working day. All TPS employees are entitled to three weeks' annual leave each year, after completing one year's service. After eight years' service, the leave entitlement is increased to four weeks. Long service leave of 4 weeks may be

taken after 20 years of service. Teachers are entitled to 10 weeks' leave per year (i.e. corresponding to school holidays). Because of this longer normal leave entitlement, teachers do not qualify for long service leave.

30. All TPS employees are also entitled to sick leave on pay according to a schedule based on length of service (for example, an employee with over 5 years' and up to 10 years' service is entitled to an aggregate period of 92 days' sick leave on pay).

31. The Public Service Manual also sets out conditions under which employees may qualify for other special forms of leave such as bereavement leave, leave without pay, or leave to attend Public Service Association meetings or meetings of Village Councils.

32. When an employee is unable to report for duty as the result of an accident suffered in the course of duty, sick leave up to the limit of the employee's entitlement may be taken. If the accident was not caused by negligence on the part of the employee, the sick leave may be reinstated. Where no sick leave is available, or where the employee has suffered permanent or partial disability, the Commission may be asked to decide on compensation.

ARTICLE 8

33. As noted in a preceding section, there are virtually no "private" employers of labour in Tokelau, and no trade unions. It has not been considered necessary to make any legislative provision for the right to form and join trade unions or to settle industrial disputes. Such matters are dealt with on an informal basis in accordance with traditional customs. In particular, the aumaga (the group of able-bodied men of each village, described also in a preceding section) choose their own leaders and collectively discuss arrangements for the carrying out of the various tasks of the village, in consultation with the pulenuku.

34. There is an informal group of public service employees (the Tokelau Public Service Association) which makes representations from time to time to the SSC on conditions of service matters. A small association also exists for nurses. Its purpose is largely to help its members to carry out their responsibilities and to serve the community more effectively.

ARTICLE 9

35. The traditional Tokelauan way of life constitutes, of itself, a comprehensive social security system. Each member of an extended family feels an obligation to meet the welfare needs of other members of that family, particularly those that are aged or sick. As a consequence there is no need for any specific Tokelau legislation for the provision of social security benefits and none has been enacted. Nevertheless, the General Fono, in approving Tokelau's budget each year, regularly allocates a separate amount for the payment of an old age pension to all Tokelauans over the age of 60 years, at the rate (in 1991) of $20 per month.

36. An Accident Compensation Scheme based on similar lines to that of New Zealand also operates in Tokelau. The Scheme provides for payment of a lump sum and/or compensation for loss of weekly earnings in the event of injury from accident. In 1988, the General Fono endorsed rates of compensation payment recommended by its Accident Compensation Committee as follows:

(a)	In the event of death, leaving a spouse:	$2,000 maximum
(b)	Assistance for surviving children:	$ 500 per child
(c)	Death (under 5 years old):	$ 500 maximum
(d)	Death (over 5 years old):	$2,000 maximum

37. Women's village committees, consisting principally of married women, assist the medical officers and nursing staff with the maternal and child health programme.

38. Patients referred to New Zealand for essential medical treatment (see also the report under Article 12 below), and an accompanying relative, receive a daily living allowance of $NZ 45.00 in the first three weeks and $NZ 37.00 per day thereafter. Patients referred to Western Samoa receive a living allowance of WS$ 13.00 per day. Two-way air fares are also paid for by the scheme. Other types of financial benefits can now be given to disabled people with effect from 1 November 1990.

39. Tokelauans who live in New Zealand and are eligible to receive the Guaranteed Retirement Income are now entitled, under the Social Security (Transitional Provisions) Act 1990, to receive half of that benefit if they decide to retire in Tokelau or leave New Zealand for more than six months. Moreover consultations are now under way to see whether that share of the benefit can be increased in accordance with a formula based on the length of residence in New Zealand.

ARTICLE 10

40. The law of Tokelau recognizes that the family is the natural and fundamental group unit of society. Detail of the traditional Tokelauan family structure is contained in the two reports presented to the Human Rights Committee on implementation of the International Covenant on Civil and Political Rights (particularly in relation to Articles 23 and 24). The relevant Tokelauan regulations in this context are the Tokelau Births and Deaths Registration Regulations 1969, the Tokelau Marriage Regulations 1986, the Tokelau Divorce Regulations 1987, and the Tokelau Crimes Regulations 1975.

41. The women's committees in each of Tokelau's villages are involved in activities for maternal health and health education. Maternal deaths are now very rare in Tokelau: for instance in the 1979-1985 period, none occurred. In the Tokelau Public Service, female employees with at least one year's service may be granted maternity leave without pay for a period of up to six months. However, the first 30 days may subsequently be treated as leave on pay, where the woman returns to work before the end of six months. Positions

are held open for employees on maternity leave for the six months period. Male employees may also be granted up to 14 days' special leave without pay as paternity leave, from the day of their spouse's confinement.

42. Section 8 of the Tokelau Amendment Act 1969 is designed to remove the legal disabilities of children born out of wedlock. It provides that every person shall, for all the purposes of the law of Tokelau, be deemed to be the legitimate child of each of his/her parents and all other relationships in respect of that person shall be deemed to be traced though lawful wedlock accordingly.

43. The Tokelau Crimes Regulations 1975 provide that certain acts and types of behaviour of which the main victims are children constitute crimes for which special penalties are provided. These include killing of a child, duty of parent or guardian to provide the necessities of life, cruelty to a child, abduction of girls under 15 and abduction of children, sexual intercourse or indecency with a girl under 12, and with a girl between 12 and 15 years of age.

44. The General Fono has formally supported a Youth Development Programme, administered by the Education Department, since 1986. Funds of $70,000 per year have been approved to enable the Department to conduct programmes specifically to meet the needs of youth, especially with regard to training for employment and, more generally, in the economic, social, cultural and political areas. The Department has held youth conferences with the overall aim of encouraging young people to decide for themselves how best they can achieve their goals - for themselves, their local community and for Tokelau as a whole.

45. A Tokelau National Youth Council has been set up as deemed appropriate to the needs of Tokelauan youth in relation to their environment. One of the major objectives of this initiative is to promote self-reliance, and to ensure full recognition of the needs of young people by the public leaders, in relation to future planning to meet developmental objectives.

ARTICLE 11

46. Tokelau has all the main characteristics of a largely subsistence economy, with the hardships that that implies. There is no accurate measure of Tokelau's gross domestic product, and even if one existed, it would be unlikely to give a true indication of the standard of living or quality of life in Tokelau, given that most economic activity does not generate any cash income. If one adds, however, incomes from public service salaries and wages to those derived from the sale of copra and handicrafts and divides the sum by the number of people living in Tokelau, the answer in the 1990/91 year is US$ 648 per capita. Total Government expenditure (excluding funding from external agencies) for the same year was US$ 3.81 million.

47. Traditionally, Tokelau looked almost exclusively to the ocean, the lagoon, the coconut trees and other limited vegetation on the atolls as their source of food. Nowadays, however, they import quite extensively such commodities as flour, rice, sugar and meat. Tokelau's soil is thin and infertile and as a result its crop production base is very narrow. The main

foods are the coconut palm and breadfruit tree, supplemented by pulaka (a large taro), taamu (another type of taro), pawpaw, banana (cultivated with difficulty), and the fruit of the edible pandanus. A successful vegetable trial on Fakaofo, which was initiated with financial assistance from the UNDP and technical advice from the South Pacific Commission, has been extended to Nukunonu and Atafu. A root crop multiplication unit on Fakaofo will also be extended to the other two atolls.

48. Tokelau's livestock now comprise pigs, fowls and ducks. Attempts to improve the local swine breed have achieved some positive results. Exotic breeds have been successfully interbred with local pigs, producing new bloodlines.

49. During the period under review, Tokelau's food production base has been seriously damaged by three cyclones and by high seas. Coconuts, crops, stores of imported basic supplies, and food storage facilities were extensively damaged or destroyed and some livestock lost. Guaranteeing adequate food supplies was a top priority following these disasters.

50. In late 1986, a project was undertaken for the transplant of trochii from Fiji to Fakaofo. An evaluation of the trochii after the high seas of February 1987 showed that a substantial number had been killed. The stocks have now been replenished and the project extended to Atafu and Nukunonu. Trochii will enhance the subsistence food base and the shells' commercial value may be utilized in the future.

51. Coconut replanting and rehabilitation, begun in 1980, continues to provide the thrust in agricultural development. A few motu (islets) have been completely replanted and the project is continuing. Some of the newly planted trees were however destroyed in the cyclone disasters mentioned above.

52. Control programmes for rats and rhinoceros beetles continue. While the rhino beetle has proliferated in some countries of the region in spite of control efforts, it is well under control in Tokelau.

53. Water supplies are limited. The villages do not have a piped water system and freshwater is obtained mainly from roof catchments. Freshwater storage is provided for houses with iron roofs. A concrete water tank is incorporated in the foundations of all new houses during construction. A water supply programme (administered by the TPS Works Directorate) has increased the availability of fresh water to more than 100 litres per person per day from existing water reservoir facilities (which depend, however, on a regular monthly rainfall). New homes under the housing scheme now have improved sanitation with water scaled facilities and septic tanks.

54. Everyone in Tokelau has adequate access to shelter. Traditional Tokelauan houses are built of local timbers (kanava and pandanus) with walls and roofs of plaited pandanus leaves. A Government-subsidized housing programme operates on all three atolls, whereby European-style dwellings of wooden or concrete block construction with iron roofs are built with technical assistance from Public Works teams. This scheme is very popular and the number of houses of traditional construction is gradually diminishing. Owners purchase materials through the cooperative stores (one on each atoll).

55. Severe damage to buildings was inflicted by the cyclones of 1987 and 1990. During Cyclone Ofa in 1990, houses were destroyed or damaged, along with traditional umu (cooking houses) and latrines; community facilities damaged; sea walls smashed with resulting flooding and erosion problems; medical supplies lost or damaged and debris scattered over the villages. In general, damage far exceeded that wrought by Cyclone Tusi in 1987. The cost of repairs to housing (including kitchens and latrines) was estimated at $1.9 million. The New Zealand Government allocated an extra $1 million in assistance to Tokelau for the purpose of reconstruction and rehabilitation.

56. A reconstruction team from the New Zealand Army travelled to Tokelau during 1990 to carry out essential rebuilding tasks before the onset of the next cyclone season. The priority tasks, as identified by Tokelau, were the rebuilding of sea walls and reconstruction of buildings. In addition to the considerable progress made in these areas, an important objective of the operation was to transfer the necessary technical skills to Tokelauans to enable them to continue building sea walls, especially through the use of gabion baskets.

ARTICLE 12

57. Tokelauans are generally healthy. Changes in lifestyle and a growing dependence on imported foods have, however, led in recent years to an increase in the incidence of such non-communicable diseases as hypertension, diabetes, heart disease and gout. At the same time skin infections, influenza, gastro-enteritis and upper respiratory tract infections are still prevalent.

58. A health education programme is being drawn up to address the problems and to inform people of where the risks lie and how they can be avoided. Both the South Pacific Commission and the World Health Organization, of which Tokelau is an Associate Member, are providing assistance in this regard. About 9.5 per cent of Tokelau's public expenditure is devoted to health.

59. The rate of infant mortality is low (see Table B). A water supply programme has increased the availability of rain water to over 100 litres per person each day and a sanitation programme is being implemented. Childhood diseases such as pertussis, diphtheria, tetanus, poliomyelitis and measles are well controlled through an immunization programme. Life expectancy has not been determined. Table B shows, however, that most deaths occur in the 75-95 age group. Each of the three atolls has a 12-bed hospital which is staffed by a doctor, staff nurses, nurse aides and orderlies and equipped with ample supplies of drugs and medical and surgical instruments. There is a referral service to Western Samoa or New Zealand for patients requiring treatment not available in Tokelau. The Health Department is currently, however, planning to centralize health services on Nukunonu, the central atoll, and to install diagnostic services, and X-ray unit, a laboratory and an operating theatre. Once this is done, there should be less need for referrals overseas. All health services are provided free in Tokelau.

ARTICLE 13

60. Tokelauans have long attached the highest importance to education and, in collaboration with the New Zealand authorities, have developed a school system that provides free education on each atoll from preschool to Form 5 (i.e. third year of secondary school) level. About 18 per cent of Tokelau's public expenditure is devoted to education. Each atoll has a modern well-equipped primary and secondary school, which is run by the Government. The teachers are Tokelauan, the language of instruction is Tokelauan and attendance is close to 100 per cent. Each atoll also has a parent/teacher association which helps to organize school activities.

61. In 1987 a Form 5 class for children from all three atolls was introduced on Nukunonu, with board being provided to those from Fakaofo and Atafu. There were 28 pupils in that class in 1990. A scholarship scheme helps to fill the gaps in the local system, particularly at the technical and tertiary level. In 1991, 90 Tokelauans were studying overseas under the scheme, 29 in Western Samoa, 27 in New Zealand, 11 in Fiji, 10 in Tonga, 7 in Niue, 5 in the Solomon Islands and one in Tuvalu. Of those in New Zealand, 10 were at secondary schools and the rest were at either universities or technical institutes. Vacation camps are organized annually for scholarship students in New Zealand as a means of sharing ideas and increasing and reinforcing knowledge of Tokelauan culture and heritage.

62. There are also adult training centres on each atoll, offering courses in such skills as outboard motor maintenance, home economics and sewing, as well as carving and weaving.

ARTICLE 14

63. Legislation making school attendance compulsory for all children between the ages of 5 and 16 had been proposed but has yet to be enacted. In the close-knit community of Tokelau, however, school attendance is, in practice, already compulsory.

ARTICLE 15

64. The cultural life of Tokelau is an integral part of the way of life of Tokelau. It is built into the economic and social system and is manifested, not in any specific law, but in the everyday activities of Tokelauans. For them, to take part in the cultural life of their country is not only a right but also a welcome and inescapable duty.

65. There are no restrictions on the right of anyone to benefit from scientific progress and its applications. On the contrary whatever such benefits find their way to Tokelau are shared evenly.

66. Given the special characteristics of Tokelau, there is no need to take any steps to protect the benefits flowing from artistic or literary creativity.

TABLE A

TOKELAU PUBLIC SERVICE EMPLOYEES

	Permanent Staff		Temporary Staff		Total Staff	
	31/3/87	15/5/91	31/3/87	15/5/91	31/3/87	15/5/91
Male	107	100	8	8	115	108
Female	59	58	13	22	72	80
TOTAL	166	158	21	30	187	188

DISTRIBUTION BY DEPARTMENTS
(Permanent and Temporary Staff)

	Male		Female	
	31/3/87	15/5/91	31/3/87	15/5/91
Administration	27	26	8	9
Agriculture	12	10	0	1
Education	20	21	42	45
Health	9	5	22	23
Public Works	43	36	0	0
Finance	4	10	0	2
	115	108	72	80

DISTRIBUTION OF PERMANENT STAFF
By Salary Groups

Salary Groups $	Number of Staff	
	31/3/87	15/5/91
1 590 - 2 599	38	9
2 600 - 3 599	43	24
3 600 - 4 799	24	22
4 800 - 5 999	37	27
6 000 - 7 199	7	43
7 200 - 8 699	5	5
8 700 - 10 999	5	11
11 000 and over	7	17
	166	158

TABLE B

COMBINED AGE SPECIFIC MORTALITY RATE*

Age Group	1986 Mid Yr Population		Total Mortality		Age Specific Death Rate/ 1 000		
	(m)	(f)	(m)	(f)	(m)	(f)	(t)
0- 4 yrs	118	118	9	5	76.3	42.4	59.3
5- 9 yrs	117	100	1	-	8.5	0	4.6
10-14 yrs	127	114	1	-	7.9	0	4.1
15-19 yrs	77	70	3	-	38.9	0	20.4
20-24 yrs	58	57	-	-	-	-	-
25-29 yrs	64	69	-	-	-	-	-
30-34 yrs	46	54	-	-	-	-	-
35-39 yrs	23	47	1	-	43.5	0	14.3
40-44 yrs	29	34	-	-	-	-	-
45-49 yrs	28	39	2	2	71.4	51.3	59.7
50-54 yrs	32	34	2	2	62.5	58.8	60.6
55-59 yrs	31	30	1	1	32.3	33.3	32.7
60-64 yrs	18	31	6	4	333.3	129.0	204.0
65-69 yrs	18	23	10	6	555.5	260.8	390.2
70-74 yrs	21	16	7	8	333.3	500.0	405.4
75-95 yrs	24	21	19	31	791.6	1 000.0	1 000.0
96+ yrs	-	-	-	-	-	-	-

* For 1979-1985, 1987, 1988, 1989. 1986 mid-year population is used.